

**SMALL CLAIMS WRIT
AND NOTICE OF SUIT**

JD-CV-40 Rev. 12-05
C.G.S. §§ 51-15, 51-345(g)
Pr. Bk. § 24-1 et seq.

**CONNECTICUT SUPERIOR COURT
SMALL CLAIMS SESSION**

Type or print legibly. Complete original and make one copy
for each party to the action. File the original and all copies
with the clerk. Also, include one "Instructions to Defendant"
for each defendant and submit the appropriate entry fee.
See Instructions to Plaintiff on back/page 2 for assistance in
completing this form.

FOR COURT USE ONLY
DO NOT WRITE IN THIS SPACE
BARCODE LABEL ONLY

(1.) INFORMATION THAT WILL DETERMINE HEARING LOCATION

ANSWER DATE

P L T F # 1	(2.) NAME ADDRESS AND ZIP CODE OF PLAINTIFF #1		P L T F # 2	NAME ADDRESS AND ZIP CODE OF PLAINTIFF #2	
	TELEPHONE NO. (w/area code)	("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION		TELEPHONE NO. (w/area code)	("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION
(3.) NAME, ADDRESS AND ZIP CODE OF ATTORNEY FOR PLAINTIFF(S)				JURIS NO.	TELEPHONE NO. (w/area code)
D E F # 1	(4.) NAME ADDRESS AND ZIP CODE OF DEFENDANT #1		D E F # 2	NAME ADDRESS AND ZIP CODE OF DEFENDANT #2	
	TELEPHONE NO. (w/area code)	("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION		TELEPHONE NO. (w/area code)	("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION <input type="checkbox"/> AGENT FOR SERVICE (For Corporate Defendant)
(5.) NAME OF TOWN WHERE TRANSACTION/INJURY OCCURRED OR, IN HOUSING MATTERS, WHERE THE PREMISES ARE LOCATED:					

YOU ARE BEING SUED. THE PLAINTIFF(S) CLAIMS YOU OWE ➔

(7.) FOR THE FOLLOWING REASONS:

(6.) AMOUNT CLAIMED
\$

**PLUS
COURT
COSTS,**

The undersigned, being duly sworn, deposes and says that the signer has read the claim and, to the best of the signer's knowledge, information and belief, there is good ground to support it.

(8.) SIGNED X	TYPE IN NAME AND TITLE OF PERSON SIGNING AT LEFT
(9.) SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Clerk, Notary, Comm. of Sup. Ct.) X

MILITARY SERVICE AFFIDAVIT		FOR COURT USE ONLY
(10.) The undersigned deposes and says: <input type="checkbox"/> that the defendant is in the military or naval service of the United States. <input type="checkbox"/> that the undersigned is unable to determine whether or not the defendant(s) in this action are in the military or naval service of the United States. <input type="checkbox"/> that no defendant in this action is in the military or naval service of the United States, and that, to the personal knowledge of the undersigned (state facts showing defendant is not in such service)		
SIGNATURE AND TITLE X		
SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Clerk, Notary, Comm. of Sup. Ct.) X	

DISTRIBUTION: ORIGINAL - Court

COPY 1- Defendant

COPY 2 - Defendant

COPY 3 - Plaintiff

www.jud.state.ct.us

INSTRUCTIONS TO PLAINTIFF

Please note that the following instructions are numbered. Those numbers correspond to the numbered sections of the SMALL CLAIMS WRIT AND NOTICE OF SUIT (form JD-CV-40). These instructions are intended to assist you in properly completing each section of the form. For additional information, obtain a copy of THE SMALL CLAIMS PROCESS (form JDP-CV-45) from the Clerk's Office or visit our website at www.jud.state.ct.us/faq/smallclaims.html.

1. INFORMATION THAT WILL DETERMINE HEARING LOCATION

The information you provide will determine the assignment of the hearing location. If this portion of the form is not completed, the hearing location will be determined as noted below.

If you are an *Individual Plaintiff* - select one of the following and enter the town where (a) the plaintiff resides, (b) the defendant resides or the defendant's business is located or (c) the transaction or injury occurred. **If no information is provided, the town where you reside will determine the hearing location.**

If you are a *Corporate Plaintiff* - including a domestic corporation, United States corporation or a limited liability company: select one of the following and enter the town where (a) the defendant resides, (b) the defendant is doing business or (c) the transaction or injury occurred. **If no information is provided, the town where the defendant resides will determine the hearing location.**

An *Out-of-state individual defendant*: must own real or personal property in Connecticut

In *Landlord-tenant matters* - enter the town in which the premises are located. (Note: If, however, the defendant now resides out-of-state, the small claims rules may not apply.)

For further information, refer to the *Connecticut General Statutes* or the *Connecticut Practice Book*.

2. PLAINTIFF(S)

The plaintiff is the person filing the claim or on whose behalf the claim is filed. Use one box per plaintiff. For more than two plaintiffs, use the *Continuation of Parties* form, JD-CV-67. Enter the complete and correct legal name(s), address(es), and phone number(s). For each plaintiff, mark the type of entity filing.

3. ATTORNEY INFORMATION

To be completed by attorney only if representing the plaintiff.

4. DEFENDANT(S)

The defendant is the person(s) you are suing. Use one box per defendant. For more than two defendants, use the *Continuation of Parties* form, JD-CV-67. Note: Box #2 can also be used for Agent for Service if applicable. Enter the complete and correct legal name(s), address(es), and phone number(s). For each defendant, mark the type of entity being sued. SPECIAL NOTE: The name of the person or business you are suing must be exact. If you make a mistake and list the wrong name, or leave out any part of any name, you may not get your money.

5. NAME OF TOWN WHERE TRANSACTION/INJURY OCCURRED OR PREMISES LOCATED (HOUSING MATTERS ONLY)

This box MUST be completed. Note: Housing matters are defined as those between a landlord and tenant.

6. AMOUNT CLAIMED

Enter the amount claimed. The amount may not exceed the statutory limit, including attorney's fees and other costs of collection. Do not include interest or the filing fee.

7. REASON FOR CLAIM

Provide a clear, brief description of the nature of the claim. Claim must be for money damages only. Interest charges may not be included in the amount claimed, but may be listed separately in the body of the complaint.

8. SIGNATURE

Your signature must be notarized. Printed name and title of person signing must be included and legible. This also applies to number 10.

9. CLERK, NOTARY, COMMISSIONER OF SUPERIOR COURT

Your oath must be taken and signed by the Clerk, a Notary, or Commissioner of the Superior Court. Note: Attorneys are Commissioners of the Superior Court. This also applies to number 10.

10. MILITARY SERVICE AFFIDAVIT

If the claim is against an individual, the plaintiff is required to state, under oath, whether or not the person is in the military service, and how that knowledge has been determined. Provide this information by stating where the defendant works or any other facts by which you personally know that the person is not in the military service, or you may state under oath that you are unable to determine whether or not the person is in the military service.

INSTRUCTIONS TO DEFENDANT

For additional information obtain a copy of THE SMALL CLAIMS PROCESS (form JDP-CV-45) from the Clerk's Office or visit our website at www.jud.state.ct.us/faq/smallclaims.html.

WHAT DO I HAVE TO DO TO DEFEND THIS CASE?

The first and most important step you must take is to file an answer on or BEFORE THE ANSWER DATE. The answer is your statement or reply to the claim stated on this notice. Your reply should be brief but specific. You do not need an attorney even if the plaintiff has one. However, you can have an attorney if you want to hire one. If you want the benefit of the regular rules or if you want the right to appeal this case, you must file a motion to transfer the case to the regular civil or housing docket. You may need an attorney to assist you and you will have to pay additional fees when you file the motion to transfer the case. The motion to transfer MUST be filed, in writing, with an affidavit and fees, ON OR BEFORE THE ANSWER DATE.

WHAT SHOULD I DO IF THE PLAINTIFF OWES ME MONEY?

If you claim the plaintiff owes you money, this is a counterclaim. Briefly state how much the plaintiff owes you and why.

WHAT IF I KNOW I OWE THE PLAINTIFF SOME MONEY?

Even if you think you owe the plaintiff something, but you disagree with the amount claimed or you are not sure how much you owe the plaintiff, you should file a written answer. This gives you a chance to come to court for a hearing to question how the plaintiff arrived at the amount claimed.

WHAT SHOULD I DO IF I ADMIT THAT I OWE THE PLAINTIFF THE ENTIRE AMOUNT CLAIMED?

If you pay the plaintiff/plaintiff's attorney the total amount owed PLUS COURT COSTS, if any, before the answer date, notify the court, on the answer form, that payment has been made. Do not send payment(s) to the court.

If you are sure that you owe the entire amount claimed but you want time to pay, you must file an answer NOT LATER THAN THE ANSWER DATE, stating that you wish time to pay the debt and your reasons for requesting additional time. You may also want to propose a payment schedule.

WHAT HAPPENS WHEN I FILE AN ANSWER?

YOU DO NOT HAVE TO GO TO COURT ON THE ANSWER DATE but you must make sure the Small Claims Clerk receives your written answer by that date. After the court receives your answer, a hearing will be scheduled if required.

WHAT HAPPENS IF I DO NOT FILE AN ANSWER?

If you do not file an answer, the court may enter judgment against you by default for the full amount of the claim plus court costs. This is called a default judgment.

WHERE AND WHEN DO I HAVE TO GO TO COURT?

If a hearing is required, you will receive a notice of the date, time and court location of the hearing.

Even if you filed an answer or a request for time to pay, the court can enter a judgment against you if you fail to come to court on the date and time set for the hearing.

WHAT MUST I BRING TO COURT?

On the day of the hearing, it is essential that you bring all your witnesses and evidence, (bills, invoices, checks, etc.) to court with you. This includes any defective or damaged goods that can safely and conveniently be brought to court, estimates of damages, pictures, etc.